

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
★ JUL 10 2005 ★

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UNITED STATES OF AMERICA

-against-

LINDSEY MCDONNELL, et. al,

Defendant.  
----- X

P.M. \_\_\_\_\_  
TIME A.M. \_\_\_\_\_  
04 CR 0203 (ARR)

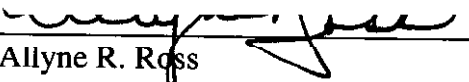
ORDER

ROSS, United States District Judge:

In response to the ex parte letter of Ms. Richman dated June 30, 2005, the parties are advised that the nine subpoenas to penal institutions and parole and probation departments issued ex parte at the request of Mr. Cohen were not accompanied by any affidavit substantiating that they seek materials of evidentiary value within the meaning of Rule 17, Fed. R. Crim. Pro. The subpoenas broadly seek, with respect to nine individuals, all records relating to their "confinement", "imprisonment", "probation" or "parole" supervision and/or violations, and/or disciplinary proceedings. As such, the records sought appear to be pertinent, if at all, for impeachment of witnesses, and may not be relevant even for that purpose. Notwithstanding, I have signed the subpoenas and made them returnable to my chambers only. Upon receipt of the records, I will conduct an in camera review of them and determine what, if anything, to disclose, and when and to whom such disclosure should be made. In connection

with that review, I will ask defendants to articulate with specificity precisely what documents they seek and to demonstrate their relevance.

SO ORDERED.

  
Allyne R. Ross  
United States District Judge

Dated: July 1, 2005  
Brooklyn, New York

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